

NOTICE OF INTENT TO APPEAR

Petitioner City of Bakersfield plans to participate in the water right hearing regarding
(name of party or participant)

Kern River FAS Petition Hearing

**scheduled to commence
Monday, October 26, 2009**

Check all that apply:

- I/we intend to present a policy statement only.
- I/we intend to participate by cross-examination or rebuttal only.
- I/we agree to accept electronic service of hearing-related materials.
- I/we plan to call the following witnesses to testify at the hearing.

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
Gene Bogart , formerly with City of Bakersfield	The history of the Kern River and the water rights on the river; the historic diversion and use of water, and related record keeping, on the Kern River, and the historic presence of surplus water in the Kern River.	20 minutes	Yes
Florn Core , City of Bakersfield	The current status of water rights, and the diversion and use of water, on the Kern River; the extent and amount of surplus water in the Kern River as a result of the recent finding of forfeiture of pre-1914 water rights; and the diversion of surplus Kern River water into the California Aqueduct.	20 minutes	Yes
David Couch , City of Bakersfield	The diversion and use of Kern River water by the City of Bakersfield, Bakersfield's present and future demand for Kern River water, and the existence and status of agreements affecting water rights and surplus water in the Kern River.	10 minutes	No
George R. "Roy" Leidy , EIP Associates, a division of PBS&J	Biological and hydrological issues relating to Bakersfield's petition; the impact of Bakersfield's requested revision on the Kern River and the environment in and around the river.	10-15 minutes	Yes

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
Kenneth Schwarz, Horizon Water and Environment, LLC	Biological and hydrological issues relating to Bakersfield's petition; the impact of Bakersfield's requested revision on the Kern River and the environment in and around the river.	10-15 minutes	Yes

(If more space is required, please add additional pages or use reverse side.)

Name, Address, Phone Number and Fax Number of Attorney or Other Representative:

Signature: Colin L. Pearce Dated: 9/14/09

Name (Print): Colin L. Pearce

Mailing Address: Duane Morris, LLP, One Market, Spear Tower, Suite 2200
San Francisco, CA 94105-1127

Phone Number: (415) 957-3000 Fax Number: (415) 957-3001

Email: clpearce@duanemorris.com

PROOF OF SERVICE

I am a resident of the state of California, I am over the age of 18 years, and I am not a party to this lawsuit. My business address is Duane Morris LLP, One Market, Spear Tower, Suite 2200, San Francisco, California 94105-1127. On the date set forth below, I served the following document(s):

NOTICE OF INTENT TO APPEAR

on the interested party(ies) in this action in the following manner:

[X] BY E-MAIL: On the date set forth below, at San Francisco, California, I caused the foregoing document(s) to be served by e-mail transmission to the e-mail address(es) set forth below, as last given by that person on any document which he or she has filed in the cause and served on the party making the service. The document(s) was(were) transmitted by e-mail from a computer in the offices of Duane Morris. The e-mail transmission(s) was(were) reported as delivered to the party(ies) at the indicated e-mail address(es), and no undeliverable message from the recipient's server was received by the sender of the e-mail. A copy of the e-mail transmission confirmation(s) is(are) attached hereto.

[X] BY MAIL: On the date set forth below, at San Francisco, California, I placed the document(s) in a sealed envelope(s), addressed as set forth below, for collection and mailing with the United States Postal Service. I am readily familiar with the firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. According to that practice, the correspondence will be deposited with the United States Postal Service that same day in the ordinary course of business, with first-class prepaid postage thereon. Service made pursuant to CCP § 1013a(3), upon motion of a party served, shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit for mailing contained in the affidavit.

PLEASE SEE ATTACHED SERVICE LIST

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on September 15, 2009, at San Francisco, California.



Carony Cheng

KERN RIVER FAS ATTORNEY SERVICE LIST

Kern Water Bank Authority
c/o Kevin M. O'Brien
Downey Brand LLP
621 Capitol Mall, 18th Floor
Sacramento, CA 95814
Email: kobrien@DowneyBrand.com

North Kern Water Storage District
c/o Scott K. Kuney, Esq.
The Law Offices of Young Wooldridge LLP
1800 30th Street, Fourth Floor
Bakersfield, CA 93301
Email: skuney@youngwooldridge.com

Buena Vista Water Storage District
c/o Gene R. McMurtrey
McMurtrey, Hartsock & Worth
2001 22nd Street, Suite 100
Bakersfield CA 93301-3831
Email: gene@mcmurtreyhartsock.com

Kern County Water Agency
c/o Stuart L. Somach
Somach, Simmons & Dunn
813 Sixth Street, Third Floor
Sacramento, CA 95814-2403
Email: ssomach@somachlaw.com

City of Shafter
c/o Eric L. Garner, Esq.
Best, Best and Krieger, LLP
3750 University Ave., Suite 400
Riverside, CA 92501
Email: eric.garner@bbklaw.com